

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

REBECCA RAND, a minor, by and
through her mother, Esther Rand, and
ESTHER RAND, in her own right
627 Diane Place
Valley Stream, NY 11581

Plaintiffs

v

BUSHKILL INN AND CONFERENCE
CENTER and POCMONT HOLDINGS
LLC
1 Bushkill Falls Road
Bushkill, PA 18324

Defendants

No. _____ of 2015

JURY TRIAL DEMANDED

COMPLAINT

AND NOW COMES, the Plaintiffs, Rebecca Rand, a minor, by and through her mother, Esther Rand, and Esther Rand in her own right, by and through their attorney, Joseph R. Rydzewski, Esquire of Spall, Rydzewski, Anderson, Lalley & Tunis, PC, and complains of the Defendants, Bushkill Inn and Conference Center and Pocmont Holdings, LLC and states as follows:

1. On or prior to May 16, 2014, the Plaintiffs were residents of the City of Valley Stream, County of Nassau, State of New York; AND Esther Rand is the parent and natural guardian of Rebecca Rand, a minor.
2. On or about May 16, 2014, the Defendant, Pocmont Holdings, LLC, was and is a Pennsylvania Limited Liability Company trading as Bushkill Inn and Conference Center, which owned, operated, managed and/or maintained or had a duty to own, operate, manage and/or maintain, both individually and by and/or through their

agents, servants, sub-contractors and/or employees, a certain principle place of business, their premises, located at 1 Bushkill Falls Road, Bushkill, PA 18324.

3. Jurisdiction is based upon Diversity of Citizenship and is for an amount in excess of \$75,000.
4. At the aforesaid time and place, the Plaintiffs were lawfully on said premises.
5. At the aforesaid time and place, the Defendants, individually and/or by and through their agents, servants, sub-contractors and/or employees maintained the aforementioned premises including the "Star Room" in such a manner that resulted in the area becoming and/or/was caused to become a fall or trip hazard.
6. At the aforesaid time and place, as Plaintiff, Rebecca Rand, a minor, was playing in the Star Room, located at 1 Bushkill Falls Road, Bushkill, PA 18324, was caused to trip and fall over a hazard, sustaining severe and permanent injuries.
7. At the aforesaid time and place, the Defendants, individually and/or by and through their agents, servants, sub-contractors and/or employees, had a duty to maintain the aforementioned premises, including the Star Room, in a reasonably safe condition for minors or other persons lawfully on said premises, to include the Plaintiff, Rebecca Rand, herein.
8. At the aforesaid time and place, the Defendants, by and through their agents, servants and/or employees, disregarding said duty, caused the Star Room to become hazardous to children and/or failed to properly maintain, set up, remove obstacles, clear the aforementioned Star Room, or allowed and/or caused Star Room to be unreasonably dangerous for children, and as a result of this dangerous condition, the Plaintiff, Rebecca Rand, tripped and fell and injured herself.

9. Further, at the aforesaid time and place, the Defendants, as the maintainers of the aforementioned premises, either individually or by and through their agents, servants, sub-contractors and/or employees acted with less than reasonable care and were then and there guilty of one or more of the following careless or negligent acts and/omissions:
 - a. Improperly operated, managed, maintained and controlled their premises by failing to properly maintain the aforementioned Star Room on premises.
 - b. Failed to warn Plaintiffs and other persons lawfully on said premises of the dangerous condition when Defendants knew or should have known in the exercise of ordinary care that said warning was necessary to prevent injury to Plaintiff, Rebecca Rand.
 - c. Failed to make a reasonable inspection of their premises when they knew or in the exercise of ordinary care, should have known, that said inspection was necessary to prevent injury to the minor Plaintiff and others lawfully on said premises.
 - d. Allowed the aforementioned premise to remain dangerous for children, making the Star Room unfit for children for an unreasonable length of time.
 - e. Caused and/or created said dangerous condition for children since the Star Room was unsafe for use, play, or passage for an unreasonable length of time.
 - f. Failed to perform their duty in such a manner such as to avoid the creating of an unnatural dangerous condition for children.

- g. Failed to properly secure sub-contractors, agents, users, or employees to inspect or supervise, resulting in an unnaturally dangerous condition to children at the location of said accident.
- h. Was otherwise careless and negligent in the operation of its premises.

COUNT I

- 10. Plaintiff, Rebecca Rand, incorporates Paragraphs 1 to 8 inclusive as if more fully set forth at length.
- 11. As a direct and proximate result of one or more of the foregoing negligent acts or omissions of the Defendants, the Plaintiff, Rebecca Rand, a minor, sustained severe and permanent injuries; both internally and externally, including a facial wound, scarring and disfigurement, lost life's pleasures, emotional trauma and was and will be hindered and prevented from enjoying her usual duties and affairs of life.
- 12. As a direct and proximate result of the aforesaid careless or negligent acts the Plaintiff, Rebecca Rand, then also incurred medical bills, costs, expenses and great pain and anguish, both in mind and body and will in the future continue to suffer same.

WHEREFORE, the Plaintiff, Rebecca Rand, a minor, prays for judgment against the Defendants in such an amount in excess of \$75,000 for monetary damages plus interest and costs of suit.

COUNT II

- 13. Plaintiff, Esther Rand, incorporates Paragraphs 1 to 11 inclusive as if more fully set forth at length.

14. Esther Rand, as her mother and natural guardian, expended and will expend and become liable for large sums of money for medical care and services incurred for her daughter, Plaintiff, Rebecca Rand, to become healed and cured of said injuries.

WHEREFORE, the Plaintiff, Esther Rand, prays for judgment against the Defendants in such an amount in excess of \$75,000 for monetary damages plus interest and costs of suit.

SPALL, RYDZEWSKI, ANDERSON, LALLEY & TUNIS, PC

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